

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JENNIFER VANDERSTOK, <i>et al.</i> ,	X	
	:	
Plaintiffs,	:	Civil Action No. 4:22-cv-00691-O
	:	
v.	:	
	:	
MERRICK GARLAND, in his official	:	
capacity as Attorney General of the	:	
United States, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	X	

**MOTION OF GUN VIOLENCE PREVENTION GROUPS FOR LEAVE
TO FILE BRIEF AS *AMICI CURIAE***

Pursuant to Local Rule 7.2, proposed *amici curiae* Brady United Against Gun Violence, Everytown for Gun Safety Action Fund, and March For Our Lives (the “Gun Violence Prevention Groups”), respectfully request this Court’s leave to submit the enclosed brief as *amici curiae* in opposition to Plaintiffs’ Motion for Preliminary Injunction in the above-captioned case.¹ Proposed *amici* respectfully submit that the attached brief will provide timely assistance to the Court in evaluating Plaintiff’s pending motion to enjoin a recently promulgated federal rule that ensures proper regulation of the core components of “ghost guns.”

¹ On August 29, 2022, counsel for *amici* requested the parties’ consent to file the proposed *amicus* brief. Defendants consented and Plaintiffs did not. *Amici* received court permission to file similar *amicus* briefs in parallel litigation challenging the Rule in the Southern District of Texas and the District of North Dakota. See Order Granting Motion for Leave to File, *Division 80 LLC v. Merrick Garland, et al.*, 22-CV-00148, ECF No. 37 (S.D. Tex.) (July 12, 2022); Order Granting Motion for Leave to File, *Morehouse Enterprises LLC v. Merrick Garland, et al.*, No. 3:22-CV-00116-PDW-ARS, ECF No. 64 (D.N.D.) (Aug. 17, 2022).

The “extent to which the court permits or denies *amicus* briefing lies solely within the court’s discretion.” *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007), *aff’d sub nom. U.S. ex rel. Gudur v. Deloitte & Touche*, No. 07-20414, 2008 WL 3244000 (5th Cir. Aug. 7, 2008). In deciding whether to grant a motion for leave to file an *amicus* brief, courts principally consider “whether the proffered information is timely and useful.” *Id.* (citations and quotations omitted); *see also, e.g., Texas v. United States*, No. 4:18-CV-00167-O, 2018 WL 4076510 (N.D. Tex. June 15, 2018) (O’Connor, J.) (granting leave to file four *amicus* briefs).

The Gun Violence Prevention Groups’ proposed *amicus* brief would be both timely and useful. The brief would be timely, as the Court is currently assessing Plaintiffs’ motion for a preliminary injunction, and *amici* seek leave to file with sufficient time for Plaintiffs to consider and, if necessary, address *amici*’s submission in Plaintiffs’ reply.

Amici also would offer the Court useful information based on their extensive experience with the Gun Control Act, regulations implementing the Act, gun safety legislation generally, and ghost guns specifically. The Gun Violence Prevention Groups regularly submit *amicus* briefs regarding gun violence and regulation² and

² *See, e.g., Brady’s Br., New York State Rifle & Pistol Ass’n, et al. v. The City of New York, et al.*, No. 18-280 (S. Ct.); Everytown’s Br., *Kim Rhode, et al. v. Xavier Becerra, et al.*, 20-55437 (9th Cir.); MFOL’s Br., *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, 21-CV-11269, ECF No. 125 (D. Mass).

have litigated cases concerning ghost guns.³ Indeed, in the last two months, the Gun Violence Prevention groups have filed two *amicus* briefs addressing ghost guns in parallel litigation challenging the same rule in other Districts and, both times, *amici* received court approval to do so.⁴ The interests and relevant experience of each of the Gun Violence Prevention Groups is as follows.

Brady United Against Gun Violence (“Brady”) is the nation’s longest-standing nonpartisan, nonprofit organization dedicated to reducing gun violence through education, research, and advocacy. Brady has researched the prevalence of ghost guns, created educational resources to demonstrate the alarming ease with which ghost guns can be obtained and assembled, and advocated on behalf of commonsense measures to regulate ghost guns.

Everytown for Gun Safety Action Fund (“Everytown”) is the nation’s largest gun-violence-prevention organization. Everytown has studied the rise of ghost guns, the detrimental effects of ghost guns on public safety, and the subversive effects of ghost guns on state and federal gun laws.

March For Our Lives (“MFOL”) is a nonprofit organization comprised of young people from across the country who are fighting for sensible gun-violence-prevention policies. MFOL has fought for measures to curtail the proliferation of

³See, e.g., *Everytown for Gun Safety Action Fund, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.*, 20-CV-6885 (S.D.N.Y.) (filed Aug. 26, 2020).

⁴Gun Violence Prevention Groups Br., *Division 80 LLC v. Merrick Garland, et al.*, 22-CV-00148, ECF No. 24-1 (S.D. Tex.) (July 8, 2022); Gun Violence Prevent Groups Br., *Morehouse Enterprises LLC v. Merrick Garland, et al.*, No. 3:22-CV-00116-PDW-ARS (D.N.D.) (Aug. 17, 2022).

ghost guns and has focused in particular on the deadly effects of ghost guns on teenagers.

Plaintiff's motion for a preliminary injunction seeks a nationwide injunction against a regulation that implicates the core focus and expertise of *amici* and their members: the sensible regulation of firearms, including ghost guns. The disposition of Plaintiff's motion could have far-reaching effects on the future of firearm safety laws, regulation, and advocacy. Consequently, the Gun Violence Prevention Groups respectfully request leave to file the attached *amicus* brief. A proposed order is attached to this motion.

August 30, 2022

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**pro hac vice forthcoming*

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August 2022, a true and accurate copy of the foregoing motion was served via the Court's CM/ECF system to all counsel of record.

August 30, 2022

Respectfully Submitted,
By: /s/ Daniel Grooms